



Sen. Neil Anderson

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1 AMENDMENT TO SENATE BILL 2992

2 AMENDMENT NO. _____. Amend Senate Bill 2992 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-401 and 15-301 as follows:

6 (625 ILCS 5/3-401) (from Ch. 95 1/2, par. 3-401)

7 Sec. 3-401. Effect of provisions.

8 (a) It shall be unlawful for any person to violate any
9 provision of this Chapter or to drive or move or for an owner
10 knowingly to permit to be driven or moved upon any highway any
11 vehicle of a type required to be registered hereunder which is
12 not registered or for which the appropriate fee has not been
13 paid when and as required hereunder, except that when
14 application accompanied by proper fee has been made for
15 registration of a vehicle it may be operated temporarily
16 pending complete registration upon displaying a duplicate

1 application duly verified or other evidence of such application
2 or otherwise under rules and regulations promulgated by the
3 Secretary of State.

4 (b) The appropriate fees required to be paid under the
5 various provisions of this Act for registration of vehicles
6 shall mean the fee or fees which would have been paid
7 initially, if proper and timely application had been made to
8 the Secretary of State for the appropriate registration
9 required, whether such registration be a flat weight
10 registration, a single trip permit, a reciprocity permit or a
11 supplemental application to an original prorated application
12 together with payment of fees due under the supplemental
13 application for prorated decals.

14 (c) Effective October 1, 1984, no vehicle required to pay a
15 Federal Highway Users Tax shall be registered unless proof of
16 payment, in a form prescribed and approved by the Secretary of
17 State, is submitted with the appropriate registration.
18 Notwithstanding any other provision of this Code, failure of
19 the applicant to comply with this paragraph shall be deemed
20 grounds for the Secretary to refuse registration.

21 (c-1) A vehicle may not be registered by the Secretary of
22 State unless that vehicle:

23 (1) was originally manufactured for operation on
24 highways;

25 (2) is a modification of a vehicle that was originally
26 manufactured for operation on highways; or

1 (3) was assembled from component parts designed for use
2 in vehicles to be operated on highways.

3 (d) Second division vehicles.

4 (1) A vehicle of the second division moved or operated
5 within this State shall have had paid for it the
6 appropriate registration fees and flat weight tax, as
7 evidenced by the Illinois registration issued for that
8 vehicle, for the gross weight of the vehicle and load being
9 operated or moved within this State. Second division
10 vehicles of foreign jurisdictions operated within this
11 State under a single trip permit, fleet reciprocity plan,
12 prorate registration plan, or apportional registration
13 plan, instead of second division vehicle registration
14 under Article VIII of this Chapter, must have had paid for
15 it the appropriate registration fees and flat weight tax in
16 the base jurisdiction of that vehicle, as evidenced by the
17 maximum gross weight shown on the foreign registration
18 cards, plus any appropriate fees required under this Code.

19 (2) If a vehicle and load are operated in this State
20 and the appropriate fees and taxes have not been paid or
21 the vehicle and load exceed the registered gross weight for
22 which the required fees and taxes have been paid by 2001
23 pounds or more, the operator or owner shall be fined as
24 provided in Section 15-113 of this Code. However, an owner
25 or operator shall not be subject to arrest under this
26 subsection for any weight in excess of 80,000 pounds.

1 Further, no fine shall exceed the actual cost of what the
2 appropriate registration for that vehicle and load should
3 have been as established in subsection (a) of Section 3-815
4 of this Chapter regardless of the route traveled. For
5 purposes of this paragraph (2), "appropriate registration"
6 means the full annual cost of the required registration and
7 its associated fees.

8 (3) Any person operating a legal combination of
9 vehicles displaying valid registration shall not be
10 considered in violation of the registration provision of
11 this subsection unless the total gross weight of the
12 combination exceeds the total licensed weight of the
13 vehicles in the combination. The gross weight of a vehicle
14 exempt from the registration requirements of this Chapter
15 shall not be included when determining the total gross
16 weight of vehicles in combination. Any vehicle operating
17 under an emergency harvest permit, as described in
18 subsection (e-1) of Section 15-301 of this Code, shall not
19 be in violation of this paragraph (3).

20 (4) If the defendant claims that he or she had
21 previously paid the appropriate Illinois registration fees
22 and taxes for this vehicle before the alleged violation,
23 the defendant shall have the burden of proving the
24 existence of the payment by competent evidence. Proof of
25 proper Illinois registration issued by the Secretary of
26 State, or the appropriate registration authority from the

1 foreign state, shall be the only competent evidence of
2 payment.

3 (Source: P.A. 97-201, eff. 1-1-12.)

4 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

5 Sec. 15-301. Permits for excess size and weight.

6 (a) The Department with respect to highways under its
7 jurisdiction and local authorities with respect to highways
8 under their jurisdiction may, in their discretion, upon
9 application and good cause being shown therefor, issue a
10 special permit authorizing the applicant to operate or move a
11 vehicle or combination of vehicles of a size or weight of
12 vehicle or load exceeding the maximum specified in this Act or
13 otherwise not in conformity with this Act upon any highway
14 under the jurisdiction of the party granting such permit and
15 for the maintenance of which the party is responsible.
16 Applications and permits other than those in written or printed
17 form may only be accepted from and issued to the company or
18 individual making the movement. Except for an application to
19 move directly across a highway, it shall be the duty of the
20 applicant to establish in the application that the load to be
21 moved by such vehicle or combination cannot reasonably be
22 dismantled or disassembled, the reasonableness of which shall
23 be determined by the Secretary of the Department. For the
24 purpose of over length movements, more than one object may be
25 carried side by side as long as the height, width, and weight

1 laws are not exceeded and the cause for the over length is not
2 due to multiple objects. For the purpose of over height
3 movements, more than one object may be carried as long as the
4 cause for the over height is not due to multiple objects and
5 the length, width, and weight laws are not exceeded. For the
6 purpose of an over width movement, more than one object may be
7 carried as long as the cause for the over width is not due to
8 multiple objects and length, height, and weight laws are not
9 exceeded. No state or local agency shall authorize the issuance
10 of excess size or weight permits for vehicles and loads that
11 are divisible and that can be carried, when divided, within the
12 existing size or weight maximums specified in this Chapter. Any
13 excess size or weight permit issued in violation of the
14 provisions of this Section shall be void at issue and any
15 movement made thereunder shall not be authorized under the
16 terms of the void permit. In any prosecution for a violation of
17 this Chapter when the authorization of an excess size or weight
18 permit is at issue, it is the burden of the defendant to
19 establish that the permit was valid because the load to be
20 moved could not reasonably be dismantled or disassembled, or
21 was otherwise nondivisible.

22 (b) The application for any such permit shall: (1) state
23 whether such permit is requested for a single trip or for
24 limited continuous operation; (2) state if the applicant is an
25 authorized carrier under the Illinois Motor Carrier of Property
26 Law, if so, his certificate, registration or permit number

1 issued by the Illinois Commerce Commission; (3) specifically
2 describe and identify the vehicle or vehicles and load to be
3 operated or moved except that for vehicles or vehicle
4 combinations registered by the Department as provided in
5 Section 15-319 of this Chapter, only the Illinois Department of
6 Transportation's (IDT) registration number or classification
7 need be given; (4) state the routing requested including the
8 points of origin and destination, and may identify and include
9 a request for routing to the nearest certified scale in
10 accordance with the Department's rules and regulations,
11 provided the applicant has approval to travel on local roads;
12 and (5) state if the vehicles or loads are being transported
13 for hire. No permits for the movement of a vehicle or load for
14 hire shall be issued to any applicant who is required under the
15 Illinois Motor Carrier of Property Law to have a certificate,
16 registration or permit and does not have such certificate,
17 registration or permit.

18 (c) The Department or local authority when not inconsistent
19 with traffic safety is authorized to issue or withhold such
20 permit at its discretion; or, if such permit is issued at its
21 discretion to prescribe the route or routes to be traveled, to
22 limit the number of trips, to establish seasonal or other time
23 limitations within which the vehicles described may be operated
24 on the highways indicated, or otherwise to limit or prescribe
25 conditions of operations of such vehicle or vehicles, when
26 necessary to assure against undue damage to the road

1 foundations, surfaces or structures, and may require such
2 undertaking or other security as may be deemed necessary to
3 compensate for any injury to any roadway or road structure. The
4 Department shall maintain a daily record of each permit issued
5 along with the fee and the stipulated dimensions, weights,
6 conditions and restrictions authorized and this record shall be
7 presumed correct in any case of questions or dispute. The
8 Department shall install an automatic device for recording
9 applications received and permits issued by telephone. In
10 making application by telephone, the Department and applicant
11 waive all objections to the recording of the conversation.

12 (d) The Department shall, upon application in writing from
13 any local authority, issue an annual permit authorizing the
14 local authority to move oversize highway construction,
15 transportation, utility and maintenance equipment over roads
16 under the jurisdiction of the Department. The permit shall be
17 applicable only to equipment and vehicles owned by or
18 registered in the name of the local authority, and no fee shall
19 be charged for the issuance of such permits.

20 (e) As an exception to paragraph (a) of this Section, the
21 Department and local authorities, with respect to highways
22 under their respective jurisdictions, in their discretion and
23 upon application in writing may issue a special permit for
24 limited continuous operation, authorizing the applicant to
25 move loads of agricultural commodities on a 2 axle single
26 vehicle registered by the Secretary of State with axle loads

1 not to exceed 35%, on a 3 or 4 axle vehicle registered by the
2 Secretary of State with axle loads not to exceed 20%, and on a
3 5 axle vehicle registered by the Secretary of State not to
4 exceed 10% above those provided in Section 15-111. The total
5 gross weight of the vehicle, however, may not exceed the
6 maximum gross weight of the registration class of the vehicle
7 allowed under Section 3-815 or 3-818 of this Code.

8 As used in this Section, "agricultural commodities" means:

9 (1) cultivated plants or agricultural produce grown
10 including, but is not limited to, corn, soybeans, wheat,
11 oats, grain sorghum, canola, and rice;

12 (2) livestock, including but not limited to hogs,
13 equine, sheep, and poultry;

14 (3) ensilage; and

15 (4) fruits and vegetables.

16 Permits may be issued for a period not to exceed 40 days
17 and moves may be made of a distance not to exceed 50 miles from
18 a field, an on-farm grain storage facility, a warehouse as
19 defined in the Illinois Grain Code, or a livestock management
20 facility as defined in the Livestock Management Facilities Act
21 over any highway except the National System of Interstate and
22 Defense Highways. The operator of the vehicle, however, must
23 abide by posted bridge and posted highway weight limits. All
24 implements of husbandry operating under this Section between
25 sunset and sunrise shall be equipped as prescribed in Section
26 12-205.1.

1 (e-1) Upon a declaration by the Governor that an emergency
2 harvest situation exists, a special permit issued by the
3 Department under this Section shall ~~not~~ be required from
4 September 1 through December 31 during harvest season
5 emergencies, provided that the vehicle's axle weight and gross
6 weight do not exceed 10% above the maximum limits specified in
7 Section 15-111 of this Code, and does not exceed the vehicles
8 registered gross weight by 10%. All other restrictions that
9 apply to permits issued under this Section shall apply during
10 the declared time period and no fee shall be charged for the
11 issuance of those permits. Permits issued by the Department
12 under this subsection (e-1) are only valid on federal and State
13 highways under the jurisdiction of the Department, except
14 interstate highways. ~~the weight does not exceed 20% above the~~
15 ~~limits provided in Section 15-111. All other restrictions that~~
16 ~~apply to permits issued under this Section shall apply during~~
17 ~~the declared time period.~~ With respect to highways under the
18 jurisdiction of local authorities, the local authorities may,
19 at their discretion, waive special permit requirements during
20 harvest season emergencies, and set a divisible load weight
21 limit not to exceed 10% of a vehicle's registered gross weight,
22 provided that the vehicle's axle weight and gross weight do not
23 exceed 10% above the maximum limits specified in Section
24 15-111. The ~~This~~ permit exemptions under this subsection (e-1)
25 ~~exemption~~ shall apply to all registered vehicles eligible to
26 obtain permits under this Section, including ~~commercial~~

1 vehicles used in private or for-hire movement of divisible load
2 agricultural commodities ~~in use~~ during the declared time
3 period.

4 (f) The form and content of the permit shall be determined
5 by the Department with respect to highways under its
6 jurisdiction and by local authorities with respect to highways
7 under their jurisdiction. Every permit shall be in written form
8 and carried in the vehicle or combination of vehicles to which
9 it refers and shall be open to inspection by any police officer
10 or authorized agent of any authority granting the permit and no
11 person shall violate any of the terms or conditions of such
12 special permit. Violation of the terms and conditions of the
13 permit shall not be deemed a revocation of the permit; however,
14 any vehicle and load found to be off the route prescribed in
15 the permit shall be held to be operating without a permit. Any
16 off route vehicle and load shall be required to obtain a new
17 permit or permits, as necessary, to authorize the movement back
18 onto the original permit routing. No rule or regulation, nor
19 anything herein shall be construed to authorize any police
20 officer, court, or authorized agent of any authority granting
21 the permit to remove the permit from the possession of the
22 permittee unless the permittee is charged with a fraudulent
23 permit violation as provided in paragraph (i). However, upon
24 arrest for an offense of violation of permit, operating without
25 a permit when the vehicle is off route, or any size or weight
26 offense under this Chapter when the permittee plans to raise

1 the issuance of the permit as a defense, the permittee, or his
2 agent, must produce the permit at any court hearing concerning
3 the alleged offense.

4 If the permit designates and includes a routing to a
5 certified scale, the permittee, while enroute to the designated
6 scale, shall be deemed in compliance with the weight provisions
7 of the permit provided the axle or gross weights do not exceed
8 any of the permitted limits by more than the following amounts:

9 Single axle	2000 pounds
10 Tandem axle	3000 pounds
11 Gross	5000 pounds

12 (g) The Department is authorized to adopt, amend, and to
13 make available to interested persons a policy concerning
14 reasonable rules, limitations and conditions or provisions of
15 operation upon highways under its jurisdiction in addition to
16 those contained in this Section for the movement by special
17 permit of vehicles, combinations, or loads which cannot
18 reasonably be dismantled or disassembled, including
19 manufactured and modular home sections and portions thereof.
20 All rules, limitations and conditions or provisions adopted in
21 the policy shall have due regard for the safety of the
22 traveling public and the protection of the highway system and
23 shall have been promulgated in conformity with the provisions
24 of the Illinois Administrative Procedure Act. The requirements
25 of the policy for flagmen and escort vehicles shall be the same
26 for all moves of comparable size and weight. When escort

1 vehicles are required, they shall meet the following
2 requirements:

3 (1) All operators shall be 18 years of age or over and
4 properly licensed to operate the vehicle.

5 (2) Vehicles escorting oversized loads more than
6 12-feet wide must be equipped with a rotating or flashing
7 amber light mounted on top as specified under Section
8 12-215.

9 The Department shall establish reasonable rules and
10 regulations regarding liability insurance or self insurance
11 for vehicles with oversized loads promulgated under The
12 Illinois Administrative Procedure Act. Police vehicles may be
13 required for escort under circumstances as required by rules
14 and regulations of the Department.

15 (h) Violation of any rule, limitation or condition or
16 provision of any permit issued in accordance with the
17 provisions of this Section shall not render the entire permit
18 null and void but the violator shall be deemed guilty of
19 violation of permit and guilty of exceeding any size, weight or
20 load limitations in excess of those authorized by the permit.
21 The prescribed route or routes on the permit are not mere
22 rules, limitations, conditions, or provisions of the permit,
23 but are also the sole extent of the authorization granted by
24 the permit. If a vehicle and load are found to be off the route
25 or routes prescribed by any permit authorizing movement, the
26 vehicle and load are operating without a permit. Any off route

1 movement shall be subject to the size and weight maximums,
2 under the applicable provisions of this Chapter, as determined
3 by the type or class highway upon which the vehicle and load
4 are being operated.

5 (i) Whenever any vehicle is operated or movement made under
6 a fraudulent permit the permit shall be void, and the person,
7 firm, or corporation to whom such permit was granted, the
8 driver of such vehicle in addition to the person who issued
9 such permit and any accessory, shall be guilty of fraud and
10 either one or all persons may be prosecuted for such violation.
11 Any person, firm, or corporation committing such violation
12 shall be guilty of a Class 4 felony and the Department shall
13 not issue permits to the person, firm or corporation convicted
14 of such violation for a period of one year after the date of
15 conviction. Penalties for violations of this Section shall be
16 in addition to any penalties imposed for violation of other
17 Sections of this Act.

18 (j) Whenever any vehicle is operated or movement made in
19 violation of a permit issued in accordance with this Section,
20 the person to whom such permit was granted, or the driver of
21 such vehicle, is guilty of such violation and either, but not
22 both, persons may be prosecuted for such violation as stated in
23 this subsection (j). Any person, firm or corporation convicted
24 of such violation shall be guilty of a petty offense and shall
25 be fined for the first offense, not less than \$50 nor more than
26 \$200 and, for the second offense by the same person, firm or

1 corporation within a period of one year, not less than \$200 nor
2 more than \$300 and, for the third offense by the same person,
3 firm or corporation within a period of one year after the date
4 of the first offense, not less than \$300 nor more than \$500 and
5 the Department shall not issue permits to the person, firm or
6 corporation convicted of a third offense during a period of one
7 year after the date of conviction for such third offense.

8 (k) Whenever any vehicle is operated on local roads under
9 permits for excess width or length issued by local authorities,
10 such vehicle may be moved upon a State highway for a distance
11 not to exceed one-half mile without a permit for the purpose of
12 crossing the State highway.

13 (l) Notwithstanding any other provision of this Section,
14 the Department, with respect to highways under its
15 jurisdiction, and local authorities, with respect to highways
16 under their jurisdiction, may at their discretion authorize the
17 movement of a vehicle in violation of any size or weight
18 requirement, or both, that would not ordinarily be eligible for
19 a permit, when there is a showing of extreme necessity that the
20 vehicle and load should be moved without unnecessary delay.

21 For the purpose of this subsection, showing of extreme
22 necessity shall be limited to the following: shipments of
23 livestock, hazardous materials, liquid concrete being hauled
24 in a mobile cement mixer, or hot asphalt.

25 (m) Penalties for violations of this Section shall be in
26 addition to any penalties imposed for violating any other

1 Section of this Code.

2 (n) The Department with respect to highways under its
3 jurisdiction and local authorities with respect to highways
4 under their jurisdiction, in their discretion and upon
5 application in writing, may issue a special permit for
6 continuous limited operation, authorizing the applicant to
7 operate a tow-truck that exceeds the weight limits provided for
8 in subsection (a) of Section 15-111, provided:

9 (1) no rear single axle of the tow-truck exceeds 26,000
10 pounds;

11 (2) no rear tandem axle of the tow-truck exceeds 50,000
12 pounds;

13 (2.1) no triple rear axle on a manufactured recovery
14 unit exceeds 60,000 pounds;

15 (3) neither the disabled vehicle nor the disabled
16 combination of vehicles exceed the weight restrictions
17 imposed by this Chapter 15, or the weight limits imposed
18 under a permit issued by the Department prior to hookup;

19 (4) the tow-truck prior to hookup does not exceed the
20 weight restrictions imposed by this Chapter 15;

21 (5) during the tow operation the tow-truck does not
22 violate any weight restriction sign;

23 (6) the tow-truck is equipped with flashing, rotating,
24 or oscillating amber lights, visible for at least 500 feet
25 in all directions;

26 (7) the tow-truck is specifically designed and

1 licensed as a tow-truck;

2 (8) the tow-truck has a gross vehicle weight rating of
3 sufficient capacity to safely handle the load;

4 (9) the tow-truck is equipped with air brakes;

5 (10) the tow-truck is capable of utilizing the lighting
6 and braking systems of the disabled vehicle or combination
7 of vehicles;

8 (11) the tow commences at the initial point of wreck or
9 disablement and terminates at a point where the repairs are
10 actually to occur;

11 (12) the permit issued to the tow-truck is carried in
12 the tow-truck and exhibited on demand by a police officer;
13 and

14 (13) the movement shall be valid only on state routes
15 approved by the Department.

16 (o) The Department, with respect to highways under its
17 jurisdiction, and local authorities, with respect to highways
18 under their jurisdiction, in their discretion and upon
19 application in writing, may issue a special permit for
20 continuous limited operation, authorizing the applicant to
21 transport raw milk that exceeds the weight limits provided for
22 in subsection (a) of Section 15-111 of this Code, provided:

23 (1) no single axle exceeds 20,000 pounds;

24 (2) no gross weight exceeds 80,000 pounds;

25 (3) permits issued by the State are good only for
26 federal and State highways and are not applicable to

1 interstate highways; and

2 (4) all road and bridge postings must be obeyed.

3 (p) In determining whether a load may be reasonably
4 dismantled or disassembled for the purpose of paragraph (a),
5 the Department shall consider whether there is a significant
6 negative impact on the condition of the pavement and structures
7 along the proposed route, whether the load or vehicle as
8 proposed causes a safety hazard to the traveling public,
9 whether dismantling or disassembling the load promotes or
10 stifles economic development and whether the proposed route
11 travels less than 5 miles. A load is not required to be
12 dismantled or disassembled for the purposes of paragraph (a) if
13 the Secretary of the Department determines there will be no
14 significant negative impact to pavement or structures along the
15 proposed route, the proposed load or vehicle causes no safety
16 hazard to the traveling public, dismantling or disassembling
17 the load does not promote economic development and the proposed
18 route travels less than 5 miles. The Department may promulgate
19 rules for the purpose of establishing the divisibility of a
20 load pursuant to paragraph (a). Any load determined by the
21 Secretary to be nondivisible shall otherwise comply with the
22 existing size or weight maximums specified in this Chapter.

23 (Source: P.A. 97-201, eff. 1-1-12; 97-479, eff. 8-22-11;
24 97-813, eff. 7-13-12.)".